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State Farm Mutual Automobile
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN BAMFORTH, ALISE BAMFORTH,
JESSICA ENAMORADO, CYNTHIA LIERA,
individually and on behalf of all those similarly
situated,

Plaintiffs,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, DOES 1 through 10,

Defendant.

CASE NO.: 2:21-cv-00712-JAD-NJK

**REVISED STIPULATION AND
PROPOSED ORDER REGARDING
STAY OF DISCOVERY**

1 Plaintiffs JOHN BAMFORTH, ALISE BAMFORTH, JESSICA ENAMORADO and
2 CYNTHIA LIERA, by and through their counsel of record Danielle C. Miller, Esq. of the law
3 firm Eglet Adams, and Defendant STATE FARM MUTUAL AUTOMOBILE INSURANCE
4 COMPANY (“State Farm”), by and through its counsel of record Karie N. Wilson of the law
5 firm Alverson Taylor & Sanders and Anna S. McLean of the law firm Sheppard, Mullin, Richter
6 & Hampton LLP, agree as follows:

- 7 1. Plaintiffs filed their Complaint in the Eighth Judicial District Court for Clark County,
8 Nevada, Case No. A-21-829883-C. Defendant State Farm removed this action to this
9 Court on April 30, 2021.
- 10 2. State Farm filed its Motion to Dismiss on May 7, 2021. Pursuant to a Stipulation and
11 Order approved by the Court on May 11, 2021, Plaintiffs’ Opposition to the Motion to
12 Dismiss is due on June 7, 2021 and State Farm’s Reply is due on June 24, 2021.
- 13 3. In this District, requests to stay discovery may be granted when: (1) the pending
14 motion is potentially dispositive; (2) the potentially dispositive motion can be decided
15 without additional discovery; and (3) the Court has taken a “preliminary peek” at the
16 merits of the potentially dispositive motion. *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D.
17 597, 602 (D. Nev. 2011). In doing so, the court must consider whether the pending
18 motion is potentially dispositive of the entire case, and whether that motion can be
19 decided without additional discovery. *See Federal Housing Finance Agency v. GR*
20 *Investments LLC*, Case No. 2:17-cv-03005-JAD-EJY, 2020 WL 2798011 at *3 (D.
21 Nev. May 29, 2020) (granting motion to stay discovery pending resolution of
22 potentially dispositive motion for summary judgment); *see also Mintun v. Experian*
23 *Information Solutions, Inc.*, 2:19-cv-00033-JAD-NJK, 2019 WL 2130134 at **1-2
24 (D. Nev. May 15, 2019) (granting motion to stay discovery pending resolution of

1 potentially dispositive motion to dismiss).

- 2 4. The Parties agree that State Farm's motion to dismiss raises potentially dispositive
3 legal and jurisdictional defenses to Plaintiffs' claims concerning State Farm's auto
4 insurance rates during the COVID pandemic. The Parties agree that no discovery is
5 required to resolve the pending Motion to Dismiss. The Parties further agree that
6 discovery in this case will be complicated and expensive. A ruling upon the Motion to
7 Dismiss could lead to dismissal or it could lead to a more specific framing of the
8 discovery. The parties agree that a stay of discovery is consistent with FRCP 1 as the
9 Parties may expend resources that are unnecessary. In addition, State Farm has
10 specifically alleged that the Nevada Division of Insurance has exclusive jurisdiction
11 over the issues alleged in Plaintiffs' Complaint. Plaintiffs have not requested
12 discovery on the question of whether this case is subject to the Nevada Division of
13 Insurance's exclusive jurisdiction or this is subject to this Court's original jurisdiction.
- 14 5. This action is one of nine actions involving a dispute related to premium refunds from
15 automobile insurers due to the effects of COVID-19. Pursuant to Local Rule 42-1(a),
16 eight of those cases have been transferred to District Judge Boulware and Magistrate
17 Judge Brenda Weksler. *See* Exhibit 1 – Transfer Order. One of those cases was before
18 this court. *See Cannuscio v. GEICO Advantage Insurance Company*, 2-21-cv-00613-
19 JAD-BNW. On June 7, 2021, Plaintiffs filed a Request to Amend Transfer Order to
20 incorporate this case. ECF No. 31. Plaintiffs' request has not been ruled upon by the
21 court.
- 22 6. Pending resolution of State Farm's Motion to Dismiss, the Parties agree and stipulate
23 to a stay of discovery including, but not limited to, any discovery obligations set forth
24 in Fed. R. Civ. P. 26 and LR 26-1.

7. If the Court denies State Farm's Motion to Dismiss, in whole or in part, the Parties agree to submit a Discovery Plan and Scheduling Order within thirty (30) days after entry of the Court's Order on the motion.

8. The parties respectfully suggest that good cause exists to enter the stipulated stay of discovery to preserve judicial and party resources and based on application of the factors set forth in paragraph 3, above.

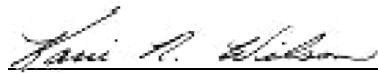
9. The Parties represent that this stipulation is sought in good faith, is not interposed for delay, and is not filed for an improper purpose.

Dated this 25th day of June 2021.

Dated this 25th day of June 2021.

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Order

IT IS ORDERED that the parties' stipulation is GRANTED. Discovery is STAYED pending the district judge's decision on State Farm's motion to dismiss. The parties' proposed DPSO is due 30 days after the district judge's decision.

IT IS SO ORDERED

DATED: 2:51 pm, July 09, 2021



**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**